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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Thomas A. O'Rourke Bodner & O'Rourke, LLP 425 Broadhollow Road Melville, NY 11747				
			EXAMINER REDMAN, JERRY E	
			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,121	Applicant(s) LIANG ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7 and 10-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The status of the claims is as follows:

Claims 1-3, 5, 6, 8, and 9 are cancelled; and

Claims 4, 7, and 10-30 are herein addressed below.

The disclosure is objected to because of the following informalities: the applicant added Figures 16 and 17 and added brief descriptions of Figures 16 and 17 but failed to add detail descriptions.

Appropriate correction is required.

Claims 4, 7, and 10-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, line 6, it appears that “first surface—should be inserted after “from” since dependent claims recite a surface and second surface. In claim 10, lines 14 and 15, the applicant recites “a window jamb channel” and “such (?) window”. Are these the same as the window jamb channel and sash that are recited in claim 10, line 1? In claim 13, line 3, it appears that “adopted” should be “adapted--”. In claim 13, lines 5-6, the phraseology “said guide having a diagonal wall and first and second side diagonal walls on opposite sides” is not readily understood by the Examiner. Are there three diagonal walls? In claim 13, line 9, it appears that “onto” should be “into--”. In claim 14, line 6, the applicant recites “the surface”. Which surface does the applicant refer to? In claim 14, line 6, the phraseology “said channel having extending from a surface” is not readily understood

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by the Examiner. In claim 14, line 7, it appears that “an” should be –a-- . In claim 14, lines 12 and 13, the applicant refers to “a/said window”. Are these the same as the sash recited in claim 14, line 1, or are they different? In claim 14, lines 19 and 20, the applicant recites “a window jamb channel” and “such (?) window” respectively. Are these the same as “a window jamb channel” and “sash” that’s recited in claim 14, line 1? In claim 17, lines 1-2, the phraseology “a first retaining means and a second retaining means on one inside surface of said channel and” should be deleted since this limitation has already been recited in claim 10. In claim 17, line 4, it appears that “first and” should be deleted since this limitation has already been recited. In claim 18, line 1, it appears that –a—should be inserted after “has”. In claim 21, line 2, it appears that –a—should be inserted after “has”. In claim 24, lines 1-3, there is a lack of antecedent basis for “said channels”. In claim 29, lines 1-2, the phraseology “a first and second a retaining member extending” is not readily understood by the Examiner. In claim 30, line 14, the phraseology “a surface” is not readily understood by the Examiner since the applicant recites more than one surface. In claim 30, lines 20 and 21, the applicant recites “a/said window”. Are these the same as the “sash” recited in claim 30, line 1? In claim 30, lines 29-30, the phraseology “a window jamb channel” and “such (?) window” is not readily understood by the Examiner. Are these the same window jamb channel and window (i.e., sash) as recited in claim 30, line 1?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

As best understood, claims 7, 13, 23, and 25-29 are further rejected under 35 U.S.C. 102(e) as being anticipated by O'Donnell et al. ('6,550,184). O'Donnell et al. ('184) disclose a balance shoe assembly comprising a balance shoe housing (14) having a base section (the bottom half of the housing 14), the base section having a pair of channels (32), at least one side support member (34) slidably movable in the channel (32) between a first and second position, the balance shoe housing (14) having a pivot member (40) engaged to a pivot bar (68) and the pivot member (40) extending within an opening (the bottom half of the housing is an opening and the top half is a second opening and diagonal walls 41 shown in Figure 19) of the balance shoe housing (14), said pivot member (40) having a generally oval-shaped head portion (57) and wherein said oval-shaped head portion (57) rotates and forces the side support member (34) of the balance shoe housing (14) to slide in the channel (32) between a first and second position, and the side support member (34) contacts at least one side wall surface (16) of a window jamb channel. O'Donnell et al. ('184) further disclose one or more guides (54, 56, 58) direct the pivot bar (68) to easily slide into the pivot member (40). O'Donnell et al. ('184) still further disclose an inner surface of the balance shoe housing (14) having at least one receiving channel (44) to permit a retaining arm (38 in

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Figure 6 or 41 in Figure 8) of the side support member (34) to move freely in a direction toward the window jamb channel (16). O'Donnell et al. ('184) yet still further disclose the opening (the bottom half of the housing) having a first ledge (44) and a second ledge (the entire inner surroundings of the balance shoe housing other than ledge 44) and the side support member (34) rides along the first ledge (44) and the pivot member (40) is placed in the opening and rest on the second ledge. O'Donnell et al. ('184) further disclose a retaining means (surface/opening of 32 as shown in Figure 6 retains and guides the side support member or element 45 shown in Figure 8) which guides the side support member (34) to permit retaining arm (41) of the side support member (34) to move freely in a direction toward a wall (16) of the jamb channel. O'Donnell et al. ('184) yet still further disclose the side support member (34) having an inner arcuate surface (31) which articulates with the oval-shaped head portion (57) and the side support member (34) having a serrated surface (36) which engages the window jamb channel (16) when the side support member (34) is in an extended position.

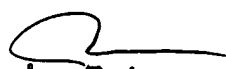
Claims 4, 10-12, 14-22, and 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication should be directed to Jerry Redman
at telephone number 571-272-6835.



Jerry Redman
Primary Examiner